

JCS60 U.S. PRO
06/22/01

PATENT U.S. PTO
ATTORNEY DOCKET NO.: 80168-0123
Client No. P5592
11033 09/886373
06/22/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

**TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION
UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventors: **Kathy T. STARK; Frederic E. HERRMANN; Gia-Khanh NGUYEN; and Rebecca A. RAMER**

For: **NETWORK AND METHOD FOR COORDINATING HIGH AVAILABILITY SYSTEM SERVICES**

1. This is a new Utility Design Plant patent application.
2. The papers enclosed to obtain a filing date are as follows:
98 Pages of Application including
1 Title Page
69 Pages of Disclosure
19 Pages of Claims
1 Page of Abstract; and
8 Sheets of drawings containing 8 Figures
 The enclosed drawing(s) are photograph(s), and there is also attached a PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S).
3. Declaration for Patent Application **OR** Combined Declaration and Power of Attorney
 Enclosed and is executed by all inventors.
 Not Enclosed.
This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
4. Language
 English
 Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

5. Assignment

An assignment of the invention to Sun Microsystems, Inc., and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

Priority of the following foreign application(s) is claimed:

Country	Application No.	Filed

Certified copy: is attached. will follow.

7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

Priority of the following provisional application(s) is claimed:

Application No.	Filed

A. Relate Back - 35 U.S.C. §119(e)

Amend the specification by inserting before the first line the sentence:
"This application claims priority of copending provisional application(s)
No. _____ filed on _____. "

8. Small entity status

This application claims small entity status under 37 C.F.R. §1.27.

9. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$710.00 Design \$310.00
Total Claims (37 C.F.R. §1.16(c))	94 - 20 =	74	\$ 18.00 each=	+\$ 1,332.00
Independent Claims (37 C.F.R. §1.16(b))	29 - 3 =	26	\$ 80.00 each=	+\$ 2,080.00
Multiple dependent claim(s), if any (37 C.F.R. §1.16(d))			\$ 270.00	+
				SUB-TOTAL = +\$ 3,412.00
				FILING FEE = +\$ 710.00
				TOTAL FILING FEE = \$ 4,122.00

10. Fee Payment

Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

Enclosed.

A check in the amount of \$4,162.00 representing the filing fee of \$ 4,122.00 and the Assignment fee of \$40.00 is enclosed.

11. **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

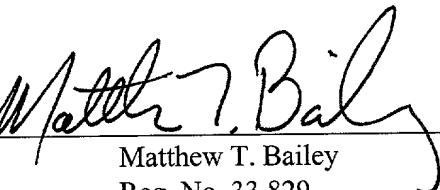
12. Additional papers enclosed:

- Certificate under 35 USC 122(b)
- Combined Power of Attorney by Assignee and Certificate under 37 CFR 3.73(b)
- Change of Correspondence Address
- Preliminary Amendment
- Information Disclosure Statement
- Form PTO- 1449, documents as listed
- Declaration of Biological Deposit
- Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Please accord this application an application number and filing date.

Respectfully submitted,

HOGAN & HARTSON LLP

By: 
Matthew T. Bailey
Reg. No. 33,829

Dated: June 22, 2001

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PATENT
Attorney Docket No. 80168-0123

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kathy T. Stark et al.

Group Art Unit: To Be Assigned

Serial No. To Be Assigned

Examiner: To Be Assigned

Filed: June 1, 2001

For: NETWORK AND METHOD FOR
COORDINATING HIGH
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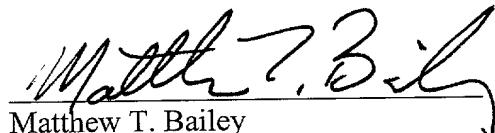
Assistant Commissioner for Patents
Washington, D.C. 20231

SUBMISSION OF FORMAL DRAWINGS

Sir:

Enclosed herewith please find eight (8) sheets of formal drawings including figures 1 thru 8 which are to be filed as formal drawings in the above-identified case.

Respectfully submitted,



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